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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,571	08/26/2003	Rafael J. Cobo	CE11849JME	5950

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Larry G. Brown
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EXAMINER

MACARTHUR, VICTOR L

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,571

Applicant(s)

COBO ET AL.

Examiner

Victor MacArthur

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I, claims 1-15 and 20-22, in the reply filed on 6/12/2006 is acknowledged.

Claims 16-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 6/12/2006.

Claim Objections

Claim 3 is objected to because of the following informalities:

- The limitations of claim 3 are redundant since they were previously set forth in claim 1, from which claim 3 depends. Therefore, claim 3 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim, or amend the claims to place claim 3 in proper dependent form, or rewrite the claims in independent form.

Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-13 and 15 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Line 5 of the claim 1 recites that “wherein said first slot runs at least substantially along a first axis that is at a predetermined, non-perpendicular angle, with respect to a vertical axis of said base”. Applicant has not pointed out where the amended claim is supported, nor does there appear to be a written description of the claim limitation in the application as filed such that this newly added limitation constitutes new matter. To the contrary, applicant’s figure 3 shows that the applicant’s first slot (158) runs along an axis (H1) that is exactly perpendicular to the vertical axis of the base (114).

Claims 2-13 depend from claim 1 and are therefore similarly rejected.

Claim 15 includes language similar to that of claim 1 and is therefore similarly rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11, 13-15 and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Inui (U.S. Patent 5,167,465).

Claim 1. Inui discloses (fig.1) a locking mechanism, comprising: a plate (2) having a first projection (7), a second projection (8) and a first surface area (3) for receiving a decorative image; and a base (1) having a first slot (11) and a second slot (14, 15b), wherein said first slot runs at least substantially along a first axis (axis of 11) that is at a predetermined angle (45 degrees) with respect to a vertical axis (axis of 1 that is 45 degrees from axis of 11) of said base; wherein said first slot and said second slot respectively detachably receive said first projection and said second projection when said plate is in a first position (open position wherein 8 is received within 15b), wherein said first slot locks said first projection and said second slot locks said second projection when said plate is in a second position (locked position wherein 8 is received within 14) such that said plate is detachably coupled to said base.

Claim 2. Inui discloses the mechanism according to claim 1, wherein at least a portion of said second slot (portion of 14 perpendicular to 11) runs at least substantially along a second axis (axis of 14 perpendicular from 11) that is at least substantially perpendicular to said first axis

Claim 3. Inui discloses the mechanism according to claim 1, wherein said first slot and said second slot further lock said first projection and said second projection as said plate is turned from said first position to said second position.

Claim 4. Inui discloses the mechanism according to claim 1, wherein said first slot and said second slot unlock said first projection and said second projection when said plate is returned from said second position to said first position, wherein said plate is removable from said base when said plate is in said first position.

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Claim 5. Inui discloses the mechanism according to claim 1, wherein said first projection has a center portion (5) that is at least substantially circular and at least one wing (wings of 7) that is attached to and projects away from said center portion.

Claim 6. Inui discloses the mechanism according to claim 5, wherein said first slot includes at least one arc (arc portion of 11) that engages said center portion of said first projection and at least one extension (portions of 11 that receive wings of 7) that receives said wings of said first projection.

Claim 7. Inui discloses the mechanism according to claim 6, wherein said first slot further includes at least one ledge (ledge portions of 11 contacting wings of 7 as they rotate) and said ledges engage said wings as said plate is turned and stops at said second position.

Claim 8. Inui discloses the mechanism according to claim 1, wherein said second projection includes a first segment (8a) and a second segment (top of 8) that is attached to said first segment, wherein said first segment is attached to and rises above a second surface area (flat end surface area of 2) of said plate and said second segment is at least substantially parallel with said second surface area.

Claim 9. Inui discloses the mechanism according to claim 8, wherein said second slot includes a protrusion (14a) and wherein said first and second segments engage said protrusion as said plate is turned from said first position to said second position and disengage said protrusion when said plate is in said first position.

Claim 10. Inui discloses the mechanism according to claim 9, wherein said second slot further includes an arc (15b), wherein at least a portion of said first segment slides along said arc

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as said plate is turned from said first position to said second position and from said second position to said first position.

Claim 11. Inui discloses the mechanism according to claim 1, further comprising a support unit (160 as seen in fig.21), wherein said base further includes (includes within) at least one tab (161) and said support unit includes at least one slot (slot in 160 receiving 161) for receiving and engaging said at least one tab of said base.

Claim 13. Inui discloses the mechanism according to claim 1, wherein said plate includes a horizontal axis (any horizontal axis of 2) and said base includes a horizontal axis (horizontal axis of 1 that is parallel to that of 2 in the second position), wherein said horizontal axis of said plate is at a predetermined angle (angle between first position and second position) with respect to said horizontal axis of said base when said plate is in said first position and said horizontal axis of said plate is at least substantially parallel with said horizontal axis of said base when said plate is in said second position.

Claim 14. Inui discloses (fig.1) a plate (2) for a carrying case, comprising: a first surface area (area of 2 receiving 1); a second surface area (outer cylindrical surface area of 2) wherein a decorative image (decorative image of 2) is positioned on said second surface area; a first projection (7); and a second projection (8), said first and second projections being disposed on said first surface area; wherein said first and second projections are received by first (11) and second (14, 15) slots of a base (1) when said plate is in a first position (open position), wherein said first and second projections are engaged by the first and second slots as said plate is turned to and stops at a second position (locked position), said plate couples to the base when said first

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and second projections engage the first and second slots and said plate decouples from the base when said plate is in the first position.

Claim 15. Inui discloses (fig.1) a base (1) of a carrying case, comprising: a first slot (11); and a second slot (14, 15), wherein said second slot includes a protrusion (14a); wherein said first slot runs at least substantially along a first axis (axis traversing longest portion of 11) that is at a predetermined, non-perpendicular angle (angle between first axis and axis running through center of 11 and 15b) with respect to a vertical axis (axis bisecting 11 and 15b) of said base; wherein said first and second slots receive a first projection (7) and a second projection (8) of a plate when the plate is in a first position (open position) and said first and second slots engage the first and second projections as the plate is turned to and stops at a second position (locked position), wherein the plate couples to said base when said first and second slots engage the first and second projections and the plate decouples from said base when the plate is in the first position.

Claim 20. Inui discloses (fig.1) a locking mechanism, comprising: a plate (2) having a first projection (7), a second projection (8) and a first surface area (outer cylindrical surface of 2) wherein a decorative image (decorative image of 2) is positioned on the first surface area; and a base (1) having a first slot (11) and a second slot (14, 15); wherein said first slot and said second slot respectively detachably receive said first projection and said second projection when said plate is in a first position (open position), wherein said first slot locks said first projection and said second slot locks said second projection when said plate is in a second position (locked position) such that said plate is detachably coupled to said base.

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Claim 21. The locking mechanism according to claim 20, wherein said first slot runs at least substantially along a first axis (any axis running through 11) that is at a predetermined angle with respect to a vertical axis of said base.

Claim 22. The locking mechanism according to claim 21, wherein at least a portion of said second slot runs at least substantially along a second axis (any axis running through 14 that is perpendicular to first axis) that is at least substantially perpendicular to said first axis.

Allowable Subject Matter

Claim 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 12. Inui discloses the mechanism according to claim 11, wherein said support unit is positioned against an inside surface (surface of 152 contacting 160) of a portion of a carrying case (152). The prior art does not disclose or suggest that said base is positioned against an outside surface of the carrying case when said slots of said support unit engage said tabs of said base.

Response to Arguments

Applicant's arguments with regard to the claim rejections have been fully considered but they are not persuasive.

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The applicant argues that the newly amended features of the claims are not present in the prior art. This is not persuasive. The applicant's newly added limitations are disclosed in the prior art as is detailed in the newly worded rejections above.

Conclusion

Applicant's amendment (i.e., the newly added limitation "and second projection" in line 8 of claim 1) necessitated the new ground(s) of rejection, for claim 11, presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085. The examiner can normally be reached on 8:30am - 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.



VLM

August 10, 2006



Primary Examiner
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